G. R. S. IX-5]

Previous references.

~~191~~ 1898-99

(~~S & A~~)

File No. 3279

Serial Nos. 1—3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—3

M. ~~Part~~ B for March, 1899.

SUBJECT.

Consultation of the Codal Rules before addressing Government in Connection with leave applications

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Comm. Edwardes
Gurdaspur
Dy

13/2/99.

My dear Mr.Anantasami Rao,

An officer can be given extra-ordinaryleave without allowances at the expiration of the privilege leave on which he went. He can draw the privilege leave-allowances for the period of such leave sanctioned to him- the whole period need not be commuted into leave without allowances.

The intention of both the original and amended Article 221 is to prohibit the grant ofExtra-ordinary leave in COMBINATION with any other leave including privilege leave, but not to prohibit the grant of such leave at the expiration of ~~of~~ other kinds of leave already sanctioned.

Yours sincerely,

(Signed)E.R.Subroyar.

Note

This is a paper to be dealt with in the P & A Branch.

I will, however, say that ~~as~~ appears to me to be Mr. Clapham is correct in his surmise that Article 165 forbids the grant of furlough in continuation of privilege leave.

In any case a certificate from the Comptroller as to whether Mr. Clapham is at all entitled to furlough is necessary, and the Department may, perhaps, be called to invite his opinion with regard to the recommendation made on behalf of Mr. Clapham.

25-2-99.

Put Please submit this to the Undersecy as desired by him on 23-2-99.

I called for this file because I had with me a DO (copy put up) from the Comptr on a similar subject. I now find however that that DO relates to Extraordinary leave without allowances and is not applicable to the present case.

Please send the letter in original to the Comptroller. I have made an Endorsement on it. 28/2/99

3

Subd to 1/4 7/4

I tried to see if there were any precedents which would help Mr Clapham. There is only the case of Mr B. Srinivasa Rao, late Asst Conservator of Forests who was granted leave on medical certificate in continuation of privilege leave before retirement. In that case the Comptroller objected, and on account of the special circumstances that existed, the matter was treated as a special case

Vide Sr No 34 & 39
in Forest file No 91 of 1895

Submit for orders.

13/3/99

10844 Send a copy of the Comptr Genl's U.O. 1584 dt 3.3.99 & the Rep with reference to his W 5754 dt 22.2.99. If the favour is to be granted in order to provide leave-half the pay drawn while on furlough being credited to Govt, the accounts Dept will have to be consulted & W Clapham should be asked to state whether he is willing to accept the terms.

13/3/99

No 10202 / J/1265 — 28/2/99.

Forwarded in regard to the Comptroller to the Mysore Govt for a certificate as to whether Mr Clapham is entitled to the furlough applied for, and for opinion as to whether the concession asked for by Mr Clapham is admissible under the Mysore Service Regns.

By Order

for Secy

28/2/99

Memo No 15-84 E4 — J 1078

No kind of leave can under Art 165 M.S.R. be granted in continuation of any other kind of leave but any leave granted under these Regulations may be retrospectively changed to any other kind of leave. In the present case Art 166 applies under which the funds be granted in continuation of privilege leave, the whole period of absence will have to be treated as on furlough. A certificate by Mr. Clapham is also to be furnished.

E Rodrigues
Comptroller

Mysore 1.3.99.

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE. 3 FEB. 99 — 7210 — 23-2-99

1899

J and Id regd no 2629 — 7/223 — J/1037

From The Deputies of the Civil Court of Bangalore

To The Secretary to the Govt of Bangalore. Rev & Genl Dept.

Dated 22nd Feby/99

Despatched —

Received —

(841)

Enclosures No. two

General No. 5354

No. 246

Forwards for the favorable consideration of Government the accompanying letters from Mr J. Clapham by Registry of this Court, applying for the grant of six months furlough in continuation of the three months privilege leave already granted to him.

Jud 23.2.99 — Let next day be placed before the Court of Sessions

23/2/99

Refs

23/2 — References put up.

24/2/99

Submitted for orders.

25/2

N. 5351/200 Jors 2

Bangalore 22nd February 1899.

From

The Registrar of the
Chief Court of Mysore

To,

The Secretary to the
Government of Mysore
General and Revenue Departments.

Sir,

I am directed to forward, for the favorable consideration of Government, the accompanying letters* from Mr. J. Clapham, Deputy Registrar of this Court, applying for the grant of six months' furlough in continuation of the three months' privilege leave already granted to him and which expired on the 15th Instant.

* dated 16th and 18th Instant.

Mr. Clapham states that during his long service of 38 years he has had only 15 months' privilege leave and as he is obliged to apply for the present furlough

owing to illness, Government may possibly think fit to grant the indulgence asked for by him of granting the furlough in continuation of privilege leave. ——

I have the honor to be,

Sir,

Your Most Obdt. Servant,

[illegible]

Registrar

2. 99

17. 2. 99

Bangalore 16th Feby 99

To

The Registrar

Chief Court of Mysore

Sir,

I have made petition for leave owing to illness I am necessitated to apply for long leave, and beg that you will be so good as to move the Durbar to grant me six months furlough under Article 229 of the Mysore Service Regulations which I am eligible.

I have the honour, Sir

Your most obedient Servant

[illegible]

18-2-99

Bangalore
18th February 1899

To

The Registrar
Chief Court of Mysore

Sir,

In continuation of my letter of the 16th Inst. applying for 6 months furlough I beg that you will be so good as to move the Judges of the Chief Court to recommend to Government the furlough applied for being treated as in continuation of the 3 months privilege leave sanctioned to me, as a special case. Agreeably to article 165 of the Mysore Service Regulations no kind of leave can be granted in continuation of any other kind of leave, the whole of the privilege leave granted to me therefore, will have to be commuted to furlough and the privilege leave allowances already drawn thereby affected. But in consideration of the fact that during the period of 35 years of my service I have only enjoyed fifteen months

COMPTROLLER'S OFFICE,
BANGALORE,
Dated 3rd March 189

Fin.]

No. 1191

Leave Certificate

Certified that Mr. J. Clapham Deputy Registrar, Chief Court of Mysore was entitled to 2 years furlough on the 16th November 1898 under the Mysore Government leave under Article 220 (6) of the Mysore Service Regulations.

Forwarded to the Secy. to the Govt. Mysore Fin. Dept.

with reference to his docket No 10202 / 1265 dated 28th July 1899

H. Carles

Asst. Comptroller

(812)

To

The Registrar, Chief Court.

No. 10689 Encl
J 1317.

Date: 16th March 1899.

His letter No. 5354/200 dated the 22nd February 1899 forwarding for favorable consideration an application from Mr. J. Clapham, Dep. Registrar, soliciting the grant of six months furlough in continuation of the 3 months' privilege leave already granted to him.

With reference to the above, has the honor to forward a copy of memo No. 1584 dated the

from the Comptroller in my zone
the 3rd instant, and to observe

that if the furlough applied for by Mr. Clapham
is to be granted in continuation
of the privilege leave, half the
pay drawn for the later period
~~leave~~ will have to be re-
-funded by him Clapham.

Request the inform-
-d whether the claiman
will take the furlo
applied for subject
the above condit

2.

By order

1st Dec

Secy

1055-a

(B)

10690 - 720

J 13/8

(83) Order. Dated 16/3/99.

A case having recently come before Court in which leave of a Kind was recommended which was not warranted by the Supreme Service Regulations Heads of Depts are requested that as invariably soon as known consult the Codal rules before recommending leave to subordinates. This would obviate much unnecessary

to avoid as much as I don't obtain the opinion of the Court

correspondence

1885 1-5

See A.

To the Secretary
the Dr. Commissioners
2 Sets.
the Comptroller
Treasurer

(B)

Proceedings of the Government of Mysore, Judicial, dated 16th March 1899.

No. 10390-728—J. 1318, DATED BANGALORE, 16TH MARCH 1899.

ORDER.—A case having recently come before Government in which leave of a kind was recommended which was not warranted by the Mysore Service Regulations, Heads of Departments are requested to be so good as to invariably consult the Codal Rules and, in cases of doubt, obtain the opinion of the Comptroller before addressing Government. This would obviate much unnecessary correspondence and avoid delay in the disposal of references made to Government.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of all Departments.
The Deputy Commissioners of Districts.
The Comptroller in Mysore.

Exd—H.A.R.